



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

a condition precedent. See Arthur L. Corbin, *Option Contracts* (1914) 23 *YALE LAW JOURNAL*, 650. Even assuming this reasoning, the Indiana court would seem in effect to have legislated on behalf of the lessee, but it has thereby doubtless accomplished the general purpose of the legislature. One question was raised in the case but not decided by the court, namely, as between the executor and the heirs of the lessor, who should receive the purchase money? The English and American rule regards land subject to option as converted into personalty, although there is some difference of opinion as to when the conversion takes place, whether at the time of the agreement or when the option is exercised. Under this rule of fictitious conversion, therefore, the decisions favor the executor. *Townley v. Bedwell* (1808) 14 Ves. 591; *Kerr v. Day* (1850) 14 Pa. St. 112; *Newport W. Wks. v. Sisson* (1893) 18 R. I. 411; *Clapp v. Tower* (1903) 11 N. D. 556. Ohio adopts the opposite view, however, to the profit of the heir, and in the case of an option much can be said for this position. *Smith v. Lowenstein* (1893) 50 Oh. St. 346. In a very recent case the court, after reviewing the authorities and considering numerous arguments, decided in accordance with the Ohio rule. *Ingraham v. Chandler* (1917) 161 N. W. (Ia.) 434.

M. S. B.

STATUTES—WHITE SLAVE TRAFFIC ACT—CONSTRUCTION.—*CAMINETTI v. UNITED STATES* (1917) 37 SUP. CT. REP. 192.—The White Slave Traffic Act of June 25, 1910 (36 St. at L. 825, chap. 395; Comp. St. 1913, sec. 8813) made criminal the transportation, or the causing to be transported, or the obtaining, aiding, or assisting in the transportation in interstate commerce of women or girls for the purpose of prostitution, debauchery, or "for any other immoral purpose." *Held*, that the transportation of a woman in interstate commerce in order that she might be debauched, or become a mistress or concubine, although unaccompanied by the expectation of pecuniary gain, was a violation of the act. White, C. J., McKenna and Clark, JJ., *dissenting*.

The question in the case involved the meaning of the clause, "any other immoral purpose." In determining the meaning of a statute, the words, when clear, are decisive. *Lake County v. Rollins* (1888) 130 U. S. 662. The words in question, though clear in meaning, are general and uncertain in their application, and should be limited to those objects to which the legislature intended to apply them. *United States v. Palmer* (1818) 3 Wheat. (U. S.) 610. While it is the duty of the court to yield to the words of the statute, nevertheless, in determining what meaning it was intended to have, it is proper to consider its spirit, the object it was intended to subserve, and the evils it was intended to remedy. *United States v. Wiltberger* (1820) 5 Wheat. (U. S.) 76; *Mosle v. Bidwell* (1904) 130 Fed. 334. In the construction of a remedial statute, cases not within the reason, although within the letter of the statute, should not be taken to be within it. *Church of the Holy Trinity v. United States* (1891) 143 U. S. 457; *Mayor, etc., of Baltimore v. Root* (1855) 8 Md. 95. The holding of the majority judges in the principal case

recognizes as valid the regulation by the federal government—by virtue of the commerce clause—of matters hitherto dealt with by the states under their police power.

E. J. M.

WILLS—CONFLICT OF LAWS—STATUTE GOVERNING DOWER.—*JACKMAN v. HERRICK* (1917) 161 N. W. (IA.) 97.—The testator died domiciled in New Hampshire, having land in Iowa. He devised to his widow a life estate in all his lands. By the statutes of Iowa the widow was entitled to a one-third interest in the Iowa land. *Held*, that the Iowa law governed and consequently the widow took both her statutory one-third interest and the life estate devised to her, although she would not have been entitled to any statutory interest under the laws of New Hampshire.

The defendant in this case contended that the widow's rights in her husband's estate of both realty and personalty were governed by the law of the domicile of the testator at his death. The court said that as to personalty, the construction, i. e., the interpretation of a will for the purpose of ascertaining the testator's meaning and intention, is generally governed by the law of the domicile of the testator. *Rockwell v. Bradshaw* (1895) 67 Conn. 8; *Lincoln v. Perry* (1889) 149 Mass. 368. The same rule is held to apply in the case of realty. 40 *Cyc.* 1382; Beale, *Cases on the Conflict of Laws*, Vol. II, p. 286; *Guerard v. Guerard* (1884) 74 Ga. 506; *Proctor v. Clark* (1891) 154 Mass. 45; *contra*, *Yates v. Thompson* (1835) 3 Cl. & F. 544. It is generally said (though perhaps inaccurately) that the operative effect of a will and the rights of the parties thereunder as to personalty are determined by the law of the domicile. 40 *Cyc.* 1384; *Jones v. Habersham* (1882) 107 U. S. 174; *Fellows v. Miner* (1876) 119 Mass. 541. But it is well settled that the law of the *situs* governs the disposition or creation of any interest in realty. *Keith v. Keith* (1888) 97 Mo. 223; *Hobson v. Hale* (1884) 95 N. Y. 588. The latter doctrine applies to the case of dower or statutory right of the widow in the lands of her husband. Minor, *Conflict of Laws*, p. 174; *Lamar v. Scott* (1849) 3 Strob. (S. C.) 562; *Newcomer v. Orem* (1852) 2 Md. 297; *Staigg v. Atkinson* (1887) 144 Mass. 564. It was by virtue of a provision in the Iowa code that the widow was entitled to her statutory interest as well as to a life estate. Code of Iowa (1873) secs. 2440, 2452.

J. I. S.

WILLS—CONSTRUCTION—DEVISE TO WIDOW.—*STAACK v. DETTERDING* (1917) 161 N. W. (IA.) 44.—The testator devised to his widow all his realty in fee simple so long as she should remain unmarried. In a suit to quiet title, the plaintiffs, who are grantees of the devisee, contended that the widow took a fee simple, and the defendants, as heirs of the deceased, contended that the words "fee simple" should be given no effect, and that the widow took only a life estate. *Held*, that the widow took a defeasible fee subject to being divested only by her marriage.